



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMORANDUM ENDORSED

December 19, 2022

BY ECF

The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: United States v. Marlon Chirinos, 21 Cr. 581 (GHW)

Dear Judge Woods:

The parties write jointly to respectfully request a three-week adjournment of the defendant's sentencing, currently scheduled for January 13, 2023, and the associated deadlines for sentencing submissions. The Government is currently preparing its response to the recent Second Circuit decision in *United States v. Gibson*, No. 20-3049 (2d Cir. Dec. 6, 2022) that will guide the Government's position on this issue in all cases to which *Gibson* applies. The additional time will enable the Government to complete that process, which requires review by several levels of supervisors, and provide defense counsel with time to assess the Government's position prior to filing the defendant's submission.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: /s/ Elizabeth A. Espinosa
Elizabeth A. Espinosa
Assistant United States Attorney
(212) 637-2216

Cc: Michael Martin, Esq.

Application granted. The sentencing hearing in this matter is adjourned to February 8, 2023 at 11:00 a.m. The defendant's sentencing submissions are due no later than January 25, 2023; the Government's sentencing submissions are due no later than February 1, 2023.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 66.

SO ORDERED.

Dated: December 20, 2022
New York, New York

GREGORY H. WOODS
United States District Judge